G. R. S. IX-5]

Previous references.

Pre 1918 (8 to 10)

1919-20 for

Pressure

File No. 4-19

Serial Nos. 87, 88, ~~89~~

(413)

25/11/20

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 87, 88 & 89

Part B for April 1921.

SUBJECT.

Presidents and Vice Presidents of District Boards.

8(98) To the Secs of Dists & Presidents of D.Bds

No R.II 113-20 dt 6/4/21.

Directs that the V. P shall preside at the meetings of D.Boards &c whenever the President is on tour &c

GD 2233—GPB—20,000—14-6-20

Std/-

Printed Copy
& Bandel typed-
up with the
Collector's Key
get. me a

Y

ARM
11.7.91

2 Xt & Namenders
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Eingang

G. R. S. III—1]

1919-20

1

GENERAL AND REVENUE SECRETARIAT.

(LB)

NOTES.

File No. 4-19

FILE HEADING.

Presidents & Vice Presidents of District Boards.

From The President, District Board, Hissar

No. Roc 447 Dated 6.3.1920. Received 12.3.1920

Diary No. 6657 Enclos. 2 + Spare Copies. — Serial No. 87

BRIEF ABSTRACT OF LETTER.

Requests orders of Govt as to whether the Senior Asst Commissioner & ex officio member of the Dist Board can preside over the deliberations of the ~~Dist~~ Board during the absence of the D.C. President of the Board even though the senior Vice President is present, in contravention of rules dated 15th March 1919

NOTES AND ORDERS.

Submitted for orders into necessary reference.

(1) The rule on the point is clear. The Vice President of the Board should preside at the meetings during the absence of the President. It is for consideration whether a fresh set

NOTES—First Sheet.

Serial No.

order is necessary.

Sd
13/7/yn

(3) Under rule III 2 (b) the Vice-President is appointed to preside at the meeting of the Board in the absence of the President and under cl (c) of the same rule, the Vice-President can exercise the powers and perform the duties of the President if he is on leave. These rules are clear enough and enable the Vice-President to take the place of the President during his absence. The contention of the Hon. Asst Comr that he succeeds to the office of the D.C. and as such must exercise the powers of the President of the Bd of the D.C. Lahsgara, to be ex-officio President of the Board will be in conflict with rule III 2 cl (c). A more liberal interpretation should be given to the rules and as in the case of municipal meetings, the Vice-President must be given a chance of presiding at the meetings in the absence of the President.

Rs
19/3/20

Rev. Sec.

(4) Please put up the file leading to the G.O. of 1.9.19. re Munl. Bds.

Rs.
25.3.20

NOTE—Contn. sheet.

R. S. III-2]

6654 (3

General and Revenue Secretariat.

LB File No. 4 of 1917-20

Serial No.

(5) The file required is put up.

Sd/-
26/3/1920

J Rev. Secy

16/3/20

(6) The notes in the file put up ~~appeal~~ may be held to apply, in entirety, to the present case also. If the view taken therein is to hold good, the Asst Court, not having been regularly appointed ~~by~~ Dy Court in charge of the district, would not be entitled to take the place of the President of the ~~Bd~~ Dist Bd. A G.O. on the lines of that of 1st Sept/19 will have to issue, in that case.

(7) The notes in the file refd to contain arguments on both sides of the case. A ref^ce to the Govt. Advocate was also suggested, but was held to be unnecessary.

(8) The point is for orders.

27.3.20

(2nd Member).

6245-298
29-3-1920.

(9) As a question of legality is concerned it is advisable to consult either the Govt. Legis. Branch or the Govt. Advr.

NOTE—Contn. sheet.

(10) Send to Govt. Advr. for favour of opinion.

31.3.20.

30.3.20

6654.

4

G. R. S. III-2]

General and Revenue Secretariat.

23 File No. 4 of 1919.

Serial No.

(1) Forwards with compliments to the Govt Advocate, for favour of an opinion

2785 [redacted]

Mrs. Hudson

Gen Secty
12 JAN 1920
III

H. O. 109
1-4-20

H.O. No 77/19 dtd
10/4/1920.

(2) Under Sec 18 of the Local Boards Reg^n, the President of a Local Board or in his absence the Vice President, if any, shall preside at a meeting of the Board. Similar provisions are made in Rules I (3) & III (2) (b) of the Rules issued under the Reg^n.

Under Notifn no R 4156-L-B 56-19-1 dated 24.9.19 the D^t Comr ~~ex officio President of the Board~~ in charge of the Rev: ~~Boards~~ administration of the D^t shall be ex-officio President of the Board. The term D^t Comr is defined in Sec 6 of the Land Rev: Code as the person exercising all the powers and discharging all the duties conferred and imposed on a D^t Comr by the Land Rev: Code or any other law for the time being in force. It is further provided in Sec 9 of the Code that when the D^t Comr is disabled from performing his duties or is absent from the D^t, his asstt of the highest rank

NOTE—Contn. sheet.

Serial No.

Shall succeed temporarily to his office & shall during that period be held to be the Dt. Comr. of the Dt. under the Land Rev. Code that is to say the Dt. Comr. exercising all the powers & discharging all the duties appertaining to the office of the Dt. Comr. under the Land Rev. Code & other laws for the time being in force. During the absence of Mr. Kukdoorkar (the Dt. Comr. of the Dt.) on leave & presumably during his absence from the Dt. the Senior Assistant Comr. in the Dt. Mr. Radrappa succeeded to the temporary charge of the office of the Dt. Comr. under the operation of Sec 9 of the Land Rev. Code & as such was clothed with all the powers of the Dt. Comr. under Sec 6 of the Code. Under the notification of the 24th Sept. is the Dt. Comr. in charge of the Rev. admn. of the Dt. & ex-officio Pres. of the Dt. Board. (13) Mr. Rudrappa who succeeded to the temporary charge of the Rev. admn. of the Dt. as above indicated should I think be regarded as ex-officio President

NOTE—Contn. sheet.

General and Revenue Secretariat. | 2B File No. 4 of 1919.

Serial No.

of the Dt Board.

(14) The principle that when an officer succeeds temporarily to the charge of the Dt during the absence on leave of the permanent incumbent he automatically ~~succeeds~~ exercises all the functions of the Chief Executive officer of the Dt has been in a way recognised by the Chief Court also. See 25 Mys C.C.R 64.

(15) Rule III (2) (c) no doubt empowers the Vice President during the absence of the President on leave to exercise all the powers & perform all the duties of the President but that rule is not in my opinion inconsistent with the views above set out because a rule of that kind is necessary to meet cases where a President appointed by name or elected under the rules may happen to be absent. The case of an ex-officio President stands on a different footing in the views I have taken. Mr. Rudrappa was during the absence of Mr. Rukmangada on leave competent to preside at the meeting of the 3rd Jan.y last.

(16)

SB
9.4.20

NOTE—Contn. sheet.

6654

G. R. S. III-2]

General and Revenue Secretariat. | LB File No. 4 of 1919. 7

Serial No.

(17) Submitted for orders, with reference to para 9 (b) supra.

(Vide Lucknow file)

Sd/- 12/4/[illegible] Secretary - Rev - Secy. 15-4

2nd member

19-4-20

665-3-67
19-4-1920.

(18) I am inclined to accept the view put forward by the Govt adv.

Recd 20-4-20

(19) Offr on Spl

(20) A draft reply is put up.

(21) The competency of a Subdivisional Asst Commissioner presiding at the meetings of a Board, during the absence of a Deputy Commissioner resident on leave has been established and the proceedings of such a meeting are also valid and legal.

(22) It is respectfully submitted that so long as the G.O. of 24th Sept 1919 holds good, the rule authorising the Tresdar to preside at the meetings

E

NOTE—Contn. sheet.

Serial No.

during the absence of the President on leave or Service will be a dead letter since in accordance with the aforesaid Notification, there will be no question of vacancy in Presidentship. It is for consideration whether the non official Vice President who work with disinterestedness are not liable to misunderstand the good intentions of Govt. The question is one of a far reaching character so far as Local Self-Govt is concerned.

(25) The draft is put up as ordered for approval.

22.4

(26) Draft put up for appl. The decision in this case will be different from that passed with regard to ex-officio Vice Presidents of Mul. Councils in the G.O. of 7.9.19. This latter order

(24) Not necessary. In cases where the Govt ex-officio President is an official but is unable to attend and in Cases where non-official Presidents, the V. President will act as President.

(25) The Govt. Advocate's view at para 15 meets this. The case of ex-officio Presidents should be held different from non-official Presidents.

NOTE—Contn. sheet.

Serial No.

will ~~also~~ have to be modified on the same lines as in the present case, as the circumstances in both cases are the same, & the same principles apply. That question may perhaps be taken up separately after issue of the proposed reply in this case.

24.4.20

2nd member
& Dewan.

(27) It is a question of interpretation & I do not think that any case for questioning the interpretation first is made out. As observed by the Resident a clear differentiation is possible & has to be made between Ex-officio President & non-Official President. The non-official V. P. will not have many chances except under the latter contingency.

25.4.20

(Dewan).

26.4

(28) Agree

26-4-20

(29) Issue

30.4.20

6746-15-9
24-4-1920.

DEWAN'S OFFICE.
Recd. on APR 26 1920
Reg. No. 7816

Serial No. 88

90

The Deputy Commissioner Hassan in his No. R1/2683/19 dt. 3-5-1920 informs Govt that Govt are of opinion that the Senior Asst Commr who was in charge of the D.C's office, during the absence of the latter on leave was competent to preside at the Dist Board meeting of 3rd Jan 1920

(30) Submitted for orders with reference to the last sentence of para 26 supra as to whether that question has to be taken up.

Sd/- 4/5/1920

31) A draft G.O. may be put up

Rent 2/6/20

32) Draft put up

4/5/20

7/7/20 Rev seen.

14.7.20

2nd member

379-34 17.7.20.

33) Draft approved

16.7.20

19.7.20

(34)

NOTE—Contn. sheet.

6654

G. R. S. III-2]

General and Revenue Secretariat.

LB File No. 4 of 1919

Serial No.

(35) The case involves an important principle affecting the administration of Local self Govt in the State. Further a previous order of Govt on the subject has to be cancelled. It seems therefore desirable that the file should be submitted to the Dewan for perusal before issue of draft notification. &

(36) Submd for orders.

Sd/-
20/7/20

(37) The Dewan has agreed to the General principle (Para 28 supra) However this may be submd. for perusal before issue.

Dev Secy. 20.7.

(38) For perusal.

Dewan). 27.7.20

(39) That is the procedure to be followed by the authority before cancellation in Council

28-7-20

(40) It has been expressly laid down in Sec 15 (2) of the District

DEWAN'S OFFICE.
Recd. on JUL 27 1920
Reg. No. 573
(D.O.C. No. 44).

Note by

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

GS File No. 4 of 1919

Serial No.

Municipalities Act of 1884 (as amended by Madras Acts II of 1897 & I 1899) that, during the temporary absence of the Chairman of a Taluk, the Vice-Chairman should exercise all the powers of the Chairman. But what the exact practice is when the Chairman is appointed ex officio is not known.

4A. Should be found out - MM

(41) As regards the filling up of casual vacancies in District Taluk Boards, Mr. Reece is invited to section 25 (1) (a) of the Madras Local Boards Act V of 1884. Subject with reference to para 39 supra

4B Is this the latest? MM 3/8/20

Herewith returned. MM 3.8.20

2/8/1920

Rev. Secy. ✓

MM 2-8-20

NOTE—Contn. sheet.

G.R.S. III—3]

6654 13

Routine Notes.

[To be used only for notes; requisitions, etc., not intended for permanent record.]

Subd.

44. (1) The information required is not available in the Municipal manual ~~referred to~~ or in the ~~Act~~ Manual

(2) The latest Local Board Act is that of 1884. A bill to amend the same has been published in the first Gazette issue dated June 1st 1920.

The Draft will then be written if approved.

Rec. Secy. 5-8-20.

(45) I don't think a formal reference to the Board is necessary in this matter. An informal D.O. Letter addressed to the Secy. Provincial Dept. asking for the information, if no objection may be forwarded.

4.10.20.

4/8/20

46 A draft D.O. is put up for approval.

8/10/20

Rec. Secy. 7-10.

47) Issued as R 5719 Dy 1460 9/10/20.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

14

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

From:

Vice Secy. Govt of Madras
(Local and Legislative)
No 3372 dt 14.10.1920

Furnishes the info asked for in letter
No 1548 dt 14.10.1920

48 Subject is with reference to para 40 supra.

It is clear that in both the cases Rules of Business the vice-chairman or vice-President as the case may be exercises the functions of a chairman or President during the latter's absence on leave or when the place remains vacant. The tendency is to give greater powers to the vice chairman.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

50 The papers may be circulated - vide para 39 supra

Jog
29/10/1920

G. R. S. III-2

337 15

General and Revenue Secretariat. | KB File No. 4 of 1919.

Serial No.

Subject with ref. to Para 39.

KM
4-11-20.

Chaplain.

Circulate

-do-

by KM

I do not think the position in Madras is identical with that here, though it does not appear to me the desirable to follow the practice in Bapaume there. Till such time the present state of affairs continue here, I think it safer to be bei to adhere to the view already taken.

~~It seems to me that letter No 36 ought to have found a place in the notes on cables and I think also the file should have been put up to me either immediately after that cable was received or at least after the Viceroy had seen it on 28.7.20. This is not the first time that such a thing (omission) has happened in the Rev. Sec'tt & I do not see how any organisation can be efficient if no provision is made for such observations being made~~

NOTE—Contn. sheet.

KM
17.11.20.

Serial No.

I regret that I cannot agree with the Vice Chancellor. His attention does not seem to have been drawn to the rules passed under section 37 of the L.B. Regulation * which are published under notification dated the 15th March under the rules defining the powers of President & it is stated that it shall be the duty of the Vice President, pending the succession application to the President or during his absence on leave, to exercise the powers & perform the duties of the President. The language is as general & comprehensive as possible and applies as much to a nominated as to a elected Vice President. There is nothing in the rules to restrict its scope to the case of Presidents elected or nominated individually by the Govt and this is in accordance with the scheme of local self govt and the intention of the Govt that the President for the time being shd be one who is conversant with the affairs of the Board & not one who is an utter stranger to it and who cannot be expected to carry on efficiently the duties of the President during an

NOTE—Contn. sheet.

Serial No.

1000

NOTE—Contn. sheet.

Serial No.

of disallowed from performing his duties, he becomes his Majesty's President in preference to the Vice President of the Board.

Now, it has been the case where his powers & duties of President of a District Board are suspended or suspended and imposed upon a Deputy Commr by his Govt so that he becomes ipso facto or automatically as his Deputy Commr for Baraitola Taggs President of the District Board in his District for which he is appointed a Deputy Commr. under his L.B. Regulation a difference is drawn between his powers of a President who is his Majesty's Secretariat Majesty's Board and his Deputy Commr of the District. Under Sections 32, 33 & 34 of Regulation, his Deputy Commr is invested with certain powers of control intervention in his affairs of a District Board and his Deputy Commr when appointed as such or disappointed his functions his Majesty's Secretariat closed with that authority. A Deputy Commr has not under his Local Boards Regulation become a President of his Board by reason of his appointment as such. He has been

NOTE—Contn. sheet.

Serial No.

appointed specially as President and to an assistant Commr stepping into his shoes if a Dy Commr cannot function by reason of and the President of a District Board

Under notification dated the 24th Sept Deputy Commrs in charge of the new administration of districts are declared to be ex-officio presidents of District Boards of their respective districts - powers which obviously appear to be Dy Commrs appointed as such by the Govt. & not to those who become Chairmen of Dy Commrs under Sec 9 of the New Code, for obviously the powers & duties performable under the New Code itself or the duties specifically imposed by any Rule upon the Dy Commr & those common duties of the President of a Board is not the duties performable by the Dy Commr as such.

The Privy Council case quoted by the Advocate Govt Advocate does not apply because under

NOTE—Contn. sheet.

Serial No.

Section 11 of the Procedure Code, the Chief Presidency Magistrate is empowered to hear appeals from orders passed by Presidency Magistrates. A provision like this is found in Madras Act IV of 1884 but not to be found in the C.P. Regulations and it was purposely omitted as the Bench Magistrates constitute a Bench provided for by the Presidency Towns Courts Act and Presidency Magistrates are not subordinate to District Magistrates. The same arguments apply with equal force in the case of Municipalities. The Corporations Act 1st dep. 19 empowers the Municipal Council to suspend or dismiss Municipal Councillors who are not regularly present in Council Meetings but there is no power given to Municipal Councils to impose fines on Councillors who are absent from Presidency Municipal Council Meetings. Section 23 (2) of the Madras Act empowers Municipal Councils to impose fines on absentees. Presidency Municipal Councillors who are not present in Council Meetings

NOTE—Contn. sheet.

Serial No.

during an [illegible] the Municipal 2
14th day of June the 4th cancel
need not be cancelled.

Questions of interpretation of statutes
are always difficult & delicate and they
usually admit of more than one view. In
cases of doubt it is best to clear the matter
by legislation. Similar difficulties
in interpretation have been experienced in the British Indian
Provinces and they have been removed
by amendments of Municipal &
Local Regulations. If it is the
Council's view that whenever the
Vice President of a local
body is appointed ex-officio, the
Vice President cannot act for the
President during his absence, this can
be made clear by suitable legislation.
In my own mind I am not in
favour of superseding the functions of the
Vice President which will be a
retrograde policy not in keeping
with the progressive ideas of the
times.

KBH
19/12

NOTE—Contn sheet.

(For Disposal at a Meeting) E. 15 No. C. 334 22

.....1920-21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the schedule)

Question as to who should preside at the meetings of the District Boards when the Deputy Commissioner and Ex-officio President happens to be on leave and whether the Non-official Vice-President in such a contingency should not preside.

0010001

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram

Chief Secretary to Government.

15th November 1920.

Extraordinary Member of Council. 25.11.20.

First Member of Council. 16.11

3841 15/11

Second Member of Council. opinion recorded

2798-3 16-11-20

17-11-20

Third Member of Council.

3178 18.11.20

Remarks recorded 19/11/20

23

Extract from the Proceedings of the 552nd *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 6th January 1921.

251. Subject. - Clause xii of the Schedule.

Question as to who should preside at the meetings of the District Boards when the Deputy Commissioner and Ex-officio President happens to be on leave and whether the Non-official Vice-President in such a contingency should not preside.

Opinion of the Council.

In such circumstances the Vice-President if there is one should preside at the meeting as provided in the rules.

(Sd.) M.Kantaraj Urs,
Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

WD 133—GPB—1,000—1-9-20

C 334 337 v 24
16.8.21

G. R. S. III-2]

General and Revenue Secretariat.

LB File No. 4 of 1919.

*23. As soon as circulation is complete and the opinion of the Council is recorded, the file will be forwarded to the Secretary in the Department concerned for transmission if need be to the Financial Secretary under Standing Orders and for submission to the Dewan or Member in charge.

Extract from the Proceedings of the Council is put up.

Forwarded with compliments to the Secretary to Government Revenue Department under *Rule 23 of the Subsidiary Rules of Council Business.

By Order,

C S Balasundaram
Chief Secretary to Government.
8/1/21.

Supt. G.O. dr 4/1/21

Draft G.O. Subd for approval.
(Recd)
11/1/21

11/1

Revised draft put up for favour of approval

15.1.21

(3rd amdt)

3788-71
20.1.21.

The draft is in order. The order proposed in the Superintendent's letter under 2nd para is in the 5th May 1920 - this may be specifically mentioned and a revised draft submitted.

1/2

* NOTE.—Cotn. Sheet.

WD—307—GPB—1,000—18-8-19

G. R. S. III-2.

General and Revenue Secretariat.

LB File No. 4 of 1924.

3372 25

Serial No.

Draft suitably revised as directed above is submitted for appl.

Sna
3/2/24

3988-90
8-2-24.

Third Member)
Dr 3/2

Dr 5/2

Dr
14/2

Having been treated as Council Matter and a Resolution recorded, a D.F.N & D.S.N. seem necessary. They may be put up & submitted for the 2nd member's appl.

Dr
15-2-24.

Dr
15-2-24

A & F.N & D.S.N are submitted for approval

Sna
16/2/24

Dr

next 23 (Sunday)
17-2.

Fair drafts (D.F.N & D.S.N) are submitted

Sna
23/2/24

4327-29
26-2-24.

Second Member)
D.F.N approved
Dr
24/2

Dr
25.2.24

NOTE—Contn. sheet.

C 334.

337 C 26

G. R. S. III-2]

General and Revenue Secretariat. | LB File No. 4 of 19 19

Serial No.

DEWAN'S OFFICE.
Recd. on MAR 1 1921
Reg. No. 5648

Submitted a S.S.N.

Dewan)

hm
1.3.21.

00100001

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

Subject:—
Question as to who should preside at the meetings of the District Boards when the Deputy Commissioner and Ex-officio President happens to be on leave and whether the non-official Vice-President should not preside in such a contingency.

These papers relate to the question as to who should preside at the meetings of the District Boards when the Deputy Commissioner & Ex-officio President happens to be on leave and whether the non-official Vice-President should not preside in such a contingency.

2. The Deputy Commissioner, Hassan District, having raised the question in March 1920, it was, in consultation with the Government Advocate, decided that, under the authority of Sections 6 and 9 of the Land Revenue Code and Notification No.R.4156/L.B.56-19-1 dated 24th September 1919, the Senior Assistant Commissioner who was in charge of the Revenue Administration of the District during the absence of the permanent Deputy Commissioner, on leave, was competent to preside at the meeting of the District Board, even though the non-official Vice-President was present at the meeting.'

3. However, after this decision had been communicated to the Deputy Commissioner, Hassan District, it was found necessary to modify the Government Order No.2952-62/Ml.17-19-10 dated 1st September 1920, passed in respect of Municipal Councils, on the same lines as in the above case, as the circumstances in both cases were the same and the same principles were applicable. As the question was of a far reaching character, so far as the development of Local Self Government in the State was concerned, it was considered at the meeting of the Council held on 6th January 1921, when the following resolution was recorded:-

"In such circumstances the Vice-President, if there is one, should preside at the meeting as provided in the rules."

4. The

Draft for approval

4. The draft Government Order embodying the above resolution is submitted for His Highness' gracious approval.

S. Raghavendra Rao
1.3.21

28th February 1921. MEMBER OF ~~COUNCIL~~.

001001

Submitted to His Highness.

...

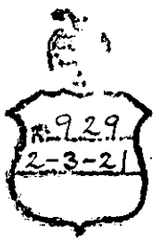
I submit herewith for gracious approval a Final Note by the Second Member of Council on the subject as to who should preside at the meetings of District Boards when the Deputy Commissioner and ex-officio President happens to be on leave and whether in such a case, the non-official Vice President should not preside in preference to the Officer temporarily in charge of the District.

2nd March 1921

0010001

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



Decision that the Vice President of a District Board should preside at its meetings when the Deputy Commissioner and Ex-officio President happens to be on leave.

00100001

Order.

~~KRW~~

4/3/21

no 933

Read by

5.3.21

C 334

337/2

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19 .

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness' orders before / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

*

COPY

Chief Secretary to Govt.

Through the Secretary to Government,
.....Revenue.....Department.

9.3.21

FIRST MEMBER OF COUNCIL 4103

4619-237.
12.3.21.

SECOND MEMBER OF COUNCIL

14.3.21

5346
16.3.21

THIRD MEMBER OF COUNCIL.

17/3.

To,

Rev. Secy. with Compliments.

Issue

24.3.21.

NOTE—Contn. sheet.

6654

337

G. R. S. III-2]

General and Revenue Secretariat. | LB File No. 4 of 19 24

Serial No.	
98	To the D.C.S. of Dists & Presidents of Dt Boards no R/11113-20 dt 6.4.21 directs that the V.P. should preside at the meetings of Dt Boards ex whenever the Presidents are on leave ex

00100001

NOTE—Contn. sheet.

Office of the President, District Board,
Hassan Dated the 6th. March 1920.

6 5 4

From,

B. Venkoba Rao, Esquire, B.A.,
President, District Board.
H A S S A N.

L.B. 4-19-87

To,

B. Ramaswamaiya, Esquire, B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

I have the honor to state that, as I was on casual leave on the 3rd. January 1920, when a meeting of the District Board of Hassan had to be held, Mr. G. Rudrappa, Senior of the Assistant Commissioners in the District and an Ex-Officio member of the District Board presided over the deliberations of the meeting, the non-official Vice-President of the Board being present; believing, however, that he was right in doing so, as he was then in charge of the Office and duties of the Deputy Commissioner, who, by virtue of his office has been appointed President of the District Board in Government Notification No. R 4156/L.B. 56-19-1 dated the 24th. September 1919.

2. I understand that objection was taken by one of the non-official members at the meeting of the 3rd. January 1920 to Mr. Rudrappa presiding at the time. The same member later on sent a written objection questioning the validity of the Proceedings of that date. The non-official Vice-President also put up a note on the 15th. January 1920 bringing to notice that under the provisions of Rules I, 3 and III 2 of the Rules published under Notification No. 11758/L.B. 54-18-8 dated 15th. March 1919, it is the Vice President of the Board that should properly preside in the absence of the President on leave or otherwise. On the other hand, the Sub-Divisional

(Please see 6a)

Assistant

1919- 20.

From,

The Deputy Commissioner and
President, District Board,

HASSAN.

6654
12-3-20

To,

The Secretary to the Government of
His Highness the Maharaja of
Mysore, Revenue Department,

BANGALORE.

Dated 6th. March 1920.

Despatched. 9/3/1920

No. R.O.C 447/L.F.

Enc. 2 (two) Copies of notes by V.P. Dist Board & S.D.O Hassan

SUBJECT.

Requesting the Orders of Government on the Question of the propriety of the Sub Dist Assistant in charge of the Dy Commr's office presiding over a meeting of the Dist Board the Vice President (non official) being present at the time.

Assistant Commissioner (Mr.Rudrappa) who was requested by me to be in charge of my duties during my absence on casual leave states that as by Notification of the 24th.September 1919 referred to in para 1 above, it is the Deputy Commissioner in charge of the Revenue Administration of the District that has been appointed Ex-Officio President of the District Board, he decided, that there was no vacancy in the Office of the Ex-Officio President of the Board and conducted the meeting ---- relying on the provisions of section 9 of the Land Revenue Code. Copies of the Vice-President's and the Sub-Division Assistant Commissioner's notes are enclosed.

3. In Government Order No.R 2952-62/ML 17-19-10 dated 1st.September 1919 referred to in the Vice-Presidents note, the Vice-Presidents of Municipal Councils are recognized to be the proper successors to the Office of President during the absence of Amildars who have been appointed as Presidents of Municipal Councils in Talukas, in preference to the Taluk------- Sheristedars. In the case in point, the Sub-Divisional Assistant Commissioner, is also a member of the District Board while the Taluk Sheristedar is not a member of the Municipal Council. In addition it is urged by the Sub-Divisional Assistant-Commissioner that while his authority to perform the functions of a Deputy Commissioner in all other respects is recognized, it would be inconvenient and inexpedient from an Administrative point of view, not to do so for the purposes of presiding over a meeting of the District Board.

4. The word " President " used in Rule III 2 (c) of the Rules published under Notification No.11758/L.B.54-18-8 dated the 15th. March 1919 is evidently understood by the Non-Official Vice-President and some members of the District Board to be interchangeable with the words " Deputy Commissioner" and------ therefore to override the provision of section 9 of the Land Revenue Code relied upon by Mr.Rudrappa, Assistant Commissioner But the word " President " in the rule referred to, will be --- applicable, I apprehend, to a non-official President also should there be one; and in that case, the words in the rule "during

the absence of a President on leave " will have a meaning. When the Deputy Commissioner is the Ex-Officio President, section 9 of the Land Revenue Code is, I apprehend, as a matter of Law, still applicable to the case, under the maxims for the interpretation of statutes, as the Local Board Rule and the Land Revenue Code can both have operation and are not irreconcible, the provision of the Local Board Rule, in the case of the President on leave, being applicable in the case of non-official Presidents to whom the Land Revenue Code does not apply.

5. As there has been a difference of opinion and the matter is important, I solicit the favour of your obtaining the early orders of Government.

I have the honor to be,

Sir,

Your most obedient servant.

Deputy Commissioner and

President, District Board,

HASSAN.

Copy of a note by the Vice President, District Board - Hassan - & the Dy Commissioner - Hassan Dt.

Note.

On 3rd. January 1920 the meeting of the District Board was presided over by the Assistant Commissioner, who, it is understood, was then in charge of the current duties of the Deputy Commissioner consequent on the Deputy Commissioner, who is in charge of the Revenue Administration of the District, being absent on casual leave.

2. The rules framed by the Government under the Local Boards Regulation, provide that it shall be the duty of the Vice-President to exercise the powers of and perform the duties of the President of the District Board when on leave and that the meetings of the Board shall be presided over by the ----- President or the Vice-President or any other person selected as Chairman in the absence of both of them.

3. The Government have in their order No.R.4156-L.B.56-19-1 dated 24th.September 1919 laid down that the Deputy Commissioner in charge of the Revenue Administration shall be the Ex-Officio President of the District Board and it is open to question whether while the regulation requires an order of this nature to be passed for the appointment of the President, the Assistant Commissioner who, in the usual course succeeds to the current duties of the Deputy Commissioner when he is absent on Casual leave, could be held to be the Deputy Commissioner in charge of the Revenue Administration of the District without being duly appointed by Government.

4. On a reference made to Government by the Deputy Commissioner of Bangalore in connection with Municipal Meetings being ----- presided over by the Taluk Sheristedars in charge of the Amildars' current duties, when the latter, who is an Ex-Officio President of the Municipal Council, is absent on leave,

the Government have ~~framed~~ passed proceedings No.R 2952-62/ML 17-19-10 dated 1st. September 1919 declaring that------- Sheristedars could not preside in preference to the Vice Presidents of Municipal Councils but it so happens that while the Taluk Sheristedar is not at all a member of the Municipal Council, the Assistant Commissioner in charge, in the case in question, is a member of the District Board. But whether this circumstance alters the spirit of the rules and the Government Proceedings referred to, it is not very easy to answer. As a matter of fact, on the 3rd. instant, one of the members raised the question but was given to ----- understand that the Officer who then presided, could undoubtedly do so, under the circumstances. As the propriety of the Assistant Commissioner in charge of the current duties of the Deputy Commissioner in presiding over the meeting of the District Board (a statutory body) in preference to the Vice-President who is present at the meeting, is not free from doubt, the matter is submitted for the kind consideration of the President and the Deputy Commissioner before any action will be taken on resolutions passed at that meeting.

Sd/- N.S.Nanjundaiya,
Vice-President District Board, Hassan.

" C O P Y "

Deputy Commissioner and President,
District Board, Hassan.

Copy of letter (D.O.) Dated 23rd Feb 1920 from M.G. Rudrappa to the Dy Commissioner, Hassan District

"

Office of the Hassan Sub-Division

Dated Hassan the 23rd.February 1920.

Dear Sir,

With reference to your D.O. letter No.C 19 dated the 19th.January 1920 enclosing the memo of the Vice-President of the Hassan District Board, for my information, I wish to state my views in the matter.

2. G.O.No.R 4156-L.B.56-19-1 dated 24th.September 1919 ----- clearly states that the Deputy Commissioner in charge of the Revenue Administration of the District, shall be the Ex-Officio President of the District Board.

3. On the 3rd. January 1920 the District Board meeting had to be held and the question as to who should preside at the District Board meeting was discussed with the Vice-President before the meeting took place and the question was even ---- formally raised at the meeting itself by a member of the District Board whether the in charge Deputy Commissioner could preside at the meeting and after fully and carefully considering ~~the~~ all the aspects of the case, I decided that there was no vacancy in the office of the Ex-Officio President of the District Board and that therefore the ----- question whether or not the Vice-President should preside at the meeting did not at all arise and that there was every propriety in the in charge Deputy Commissioner presiding at the meeting. The members appeardd to agree with me and the proceedings were begun and concluded.

4. The Vice-President in para 3 of his memo thinks that a special order of Government would be necessary to place me in charge of the Revenue Administration of the District. I am of opinion that no special order is necessary Section 9 of the Land Revenue Code is quite clear on the point

and in view of the povisions of this section, I am of ----- opinion that no reference to Government is necessary on the point.

5. Casual leave does not defer from any other variety of leave with regard to the nature of the duties of the Officer on leave. The duties remain just the same and they have to be performed by a responsible officer on the spot in emergent cases and the continuous revolution of the administrative machinery makes it impossible to wait for formal orders from superior officers and it would be highly inexpedient to wait when urgent public acts have to be --- instantly performed, and so, in practice, the Senior ----- Assistant Commissioner at the head quarters of the District automatically performs the duties of a Deputy Commissioner in charge of the Revenue Administration of the District, during the absence of the latter, and ordinarily there would be memos also from the Deputy Commissioner's Office placing the Assistant Commissioner in charge of the Revenue Administration of the District, as well as other Departments of Government and for all administrative ----- purposes he is the Deputy Commissioner of the District for the time being, and the office of the Senior Assistant ---- Commissioner merges in that of the Deputy Commissioner and so when there is, at the head quarters, such an Assistant Commissioner in charge of the duties of the Deputy Commissioner and is present at the meeting of the District Board the question of vacancy of the Presidential Chair does not at all arise.

6. G.O. No.R 2952 dated 1st. September 1919 cited by the Vice-President in regard to the right of Taluk Sheristedar's, who are not members of Taluk Municipalities to ---- preside at the Municipal meetings in place of Amildars in their absence, has in my opinion no application as between Assistant Commissioners and Deputy Commissioners who have for all practical purposes more or less the same status from an adminstrative point of view. If the propriety of ~~the in charge of the~~ the

of the in charge ~~xfxtxm~~ Deputy Commissioner in presiding at the meeting of the District Board which is one of the acts of the Deputy Commissioner according to the Local Boards Regulation itself, is doubtful, it would be much more doubtful if the Vice President can preside although present at the meeting along with the in charge Deputy Commissioner who is a member of the District Board.

7. In my opinion, all this difficulty has arisen because the Vice-President refuses to recognize the in charge Deputy Commissioner and admit that the Office of the Assistant ---- Commissioner merges in that of the Deputy Commissioner who is absent, and that, therefore, the Deputy Commissioner is present for all administrative purposes to perform all the official and statutory duties of the Deputy Commissioner and that the present case is no exception to this principle. If the Vice-President and the ~~other~~ members of the Board can be made to see and recognize this, there would be no diffivulty at all because there is no vacancy in the office of the Deputy Commissioner and President of the District Board to give room for discussion as to who should fill it.

8. I further wish to express my opinion that it would be more inconvenient to the in charge Senior Assistant Commissione at the head quarters who performs all the other acts of the Deputy Commissioner not to be recognised as Deputy Commissioner in the District Board and would be most inexpedient also from a adminstrative point of view, than for the Vice-President to be present at the ~~meeting~~ meeting presided over by the in charge officer. So far as I am concerned, I received a D.O. from the Deputy Commissioner himself directing me to continue to be in charge of ~~xhis~~ duties in addition to an official memo to the same effect, and there~~xx~~ is section 9 of the Land Revenue Code which says that the Senior Assistant Commissioner shall be held to be the Deputy Commissioner of the District in such circumstances.

Yours Sincerely,

"Copy"

Sd/- G.Rudrappa.

Dy Commr
Hassan Dist

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to 6654

Section CB

File No. 4-19

Serial No. 881

GENERAL AND REVENUE SECRETARIAT

( )

, the 191 .

No. R. 12639 d 3-5

Date of issue 3-5-1920

Signed by [illegible]

To

The Deputy Commi

Hassan Distr

Sir

In reply to

letter no R.O.C. 44 dt

dated 4th March 19

requesting orders o

the question of the

propriety of the Sub

Assistant Commissione

in Charge of the

Deputy Commissio

over.

officer (for the time being) presiding over a meeting of the District Board, the Vice-President (name) being present at the time I am directed to state. That Govt are of opinion that under the authority of sections 6 & 9 of the Land Revenue Code and with reference R 4156 P&C 56-19-1 dated 2.9.1919 from Rudrappa, I was (who was in charge of the Dev. administration of the District, temporarily) in absence of the Deputy Commissioner on leave competent to preside at the District Board meeting of the 3rd January 1920.

List of enclosures

Peel 25.4.20

I have the honour to be Sir Your most obedient servant

24.4.20

Copied by

Examined by.

WD 1744—GPB—30,000—19-3-19

R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to——— Section

File No.

Serial No

General and Revenue Secretariat

( ) No. R. St. 118 dt. 14.10.20.

, *the* *191* .

To

Date of issue 14.10.20.

Signed by Mr. B. Rama Swamy

Dear Sir,

I shall esteem it a favour if you could let me know, if there is no objection in the matter of the exercise of the powers of a chairman in a municipality in the Madras Presidency when

over.

the ~~Collector~~ of the District ~~Magistrate~~ Dt Officer

~~Chairman~~ ~~who is~~ Who may happen to be

~~appointed~~ the ex officio

Prsdt

Chairman of the

municipality is absent ~~happens~~ ~~happens to be~~

~~is~~ absent on leave

or when ~~not~~ the ~~former~~ ~~Dt Off~~

~~of the~~ Office of Collr or other Dt Offr

~~a Collector~~

is temporarily vacant

and no successor ~~as~~

~~such~~ has been

~~appointed~~ by Govt. Does the Concurrence of the Dt Officer Exercise the powers of the Prsdt or does Vice Prsdt of the Mty officiate as the Chairman to the Exclusion of the former during the absence of the permanent incumbent. This is the point on which information is req^d.

List of enclosures.

Yours sincerely

Hoping to be excused for the intrusion,

I am

yours sincy

H M

9.10.20.

To

T. J. Richards Esq^r I.C.S.

the Hony Secy, Local Self (Legislative) Dept

Acting "Leg" Govt of Madras

Madras

Copied by

Examined by

8 3372
25.10.20

D.O.No.7234-1 M.,

Local and Municipal Department,
Fort Saint George,
Dated the 19th October 1920.

Dear Mr. Ramaswamy Ayyar,

Your D.O.No.R.5118., dated 14th Instant. Under the Madras District Municipalities Act, 1884, which was in force up to 1st October 1920, the Chairman of a Municipality was either appointed by the Government or elected by the Municipal Council. If the Revenue Divisional Officer, who was a Member of the Council ex-officio, was also appointed Chairman in - virtue of his office (this was usually done in the case of New Municipalities) then during his absence on leave, his locum tenens succeeded him both as ex-officio Member and Chairman of the Municipality. If the place of the Revenue Divisional Officer became vacant and no person was appointed for it, then the Vice Chairman exercised the powers of the Chairman, until an Officer was posted to the division or a Chairman was appointed for the Municipality.

Under the Madras District Municipalities Act, 1920, which has come into force from 1st October 1920, the Chairman of a Municipality has ordinarily to be elected by the Council, unless the Government specially direct that he shall be appointed by them, the Revenue Divisional Officer is not an ex-officio member of the Council, and if the office of Chairman becomes vacant the Vice Chairman will exercise the functions of Chairman till a new Chairman assumes office.

Under the Madras Local Boards Act, 1884, if the Collector happens to be the president of a district board ex-officio, then during his absence on leave his locum tenens succeeds him as president of the board. The New Local Boards Act recently passed by the local legislature will, however, soon take the place of this Act, and under it the Collector will have

have no seat on the Board in virtue of his office, the president will be either appointed by Government or elected by the Board, and if the office of president becomes vacant, the Vice-president will exercise the powers of the president till a new president assumes office.

Yours sincerely,

F. P. Richards

To

B. Ramaswamy Ayyar Esquire,

Revenue Secretary to the Government of Mysore.

N.V.R. 19-10-1920.

YSR 19-10.

00100001

S.O

G.R.S. 28]

2213 1 2 copies

File No. LB49
Serial No. 987

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 191 .

READ—

Revenue Secretary's letter no R 12639/LB. 4-19-88 dated 3rd May 1920 to the Deputy Commissioner Hassan District, informing him that under the authority of Secs 6 & 9 of the

over.

Date of issue 6/4/21

Signed by Sor. Ste Ramarao

May this be.
(i) printed - yes
(ii) treated as S.O. yes
iii. Published in Kan Gazette. no
iv Translated - no
v. placed at the disposal of press. no
vi. Published in Kan Gazette no

SUBJECT.

Land Revenue Code
and N.D.R. No R 4,156
/25 56 G-1 dated 24-9-1929
the Senior Asst Comr,
Who was in charge of
the Rev Admn of the
District, was during the
absence of the permanent
Deputy Commissioner
on leave competent to
preside at the Board
Board meeting of the
District
3rd January 1920.
and not
R. 11,113-20
dy 6.4.21
On further
~~careful~~ consideration, this point
we are of opinion that
rule 111 (2), (c) of the
rules issued under
sec 37 of the L.R. & R. Regn-I
clearly lays down
as one of the duties
of the Vice President
that he should, pending

G.T.B.—20,000—2-1931

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

the succession, appointment or election of a President or during the absence of the President on leave, exercise the powers or perform the duties of the President. This rule has the force of law and it should in supersession of the instructions conveyed in the letter read above be followed in all such cases. The provision in sec 9 of the Land Revenue Code for the temporary succession to the Revenue duties of a Deputy Commr should not be construed as authorising

00001

GPB—10,000—22-2-11

~~Dy Com~~ Officer temporarily in charge of the Dt
the ~~in charge or temporary~~
~~&c~~ to preside at
the meetings of
a District Board during the absence of
the permanent incumbent on leave.

Hq

Jr Lee/Supt
Jas Lee Supt

to the d c s of Dts
and Presidents of Boards

Init